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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: January 5, 1955

SUBJECT: War Criminals in Landsburg and Spandau

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PARTICIPANTS: Mr. Irving Furman, Director, American Civil Liberties Union
Miss Freda Utley
EUR/GER - Geoffrey W. Lewis

COPIES TO: EUR - Mr. Barbour
GPA - Mr. Kidd - Mr. Auchincloss
GER/P - Mr. Kellermann
L/GER - Mr. Raymond
HICOG
HICOG-War Clemency and Parole Board - Mr. Plitt

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY R. Thomas DATE 3/18/83
RDS☐or XDS☐EXT. DATE
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Mr. Furman and Miss Utley came in at their request to discuss the situation with respect to the war criminals confined in Spandau and in Landsburg. In the conversation, which lasted about an hour and a half, Miss Utley and Mr. Furman made the following points:

(1) The continued incarceration of war criminals was poisoning German-American relations. The whole program of war crimes trials had been a bad mistake and the United States should admit this. We should declare a general amnesty for all prisoners in our custody.

(2) With respect to prisoners in Spandau, we should propose that they too should be amnestied and if the Russians (or the British or French) should not agree, we should suggest that the International Tribunal be reconvened to review the cases on the basis of new evidence.

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(3) Not enough publicity was being given to the operation of the War Criminals Parole and Clemency Board and the names of those prisoners released on parole should be published.

(4) The Germans had the impression that while the State Department was adopting a very liberal attitude toward clemency and parole the Army was dragging its feet in every way it could and the Commanding General had refused to accept the recommendations for clemency and parole in a number of cases.

In reply.

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In reply Mr. Lewis pointed out that while the continued imprisonment of war criminals undoubtedly was the source of considerable resentment in some circles in Germany, he thought that the operation of the War Criminals Clemency and Parole Board, which provided for German participation, had gone a long way toward smoothing over the difficulties. He attempted to explain the reasoning behind the decision not to release the names of prisoners granted parole. He said that the idea of reconvening the International Tribunal to review cases of the Spandau criminals was a new one to him but that off-hand it would appear to raise many more problems than it would settle and he did not think that sufficient new evidence could be produced to warrant such a reopening.

With respect to the Army's attitude toward the operation of the Clemency and Parole Board, Mr. Lewis said that the Army had been extremely cooperative and as far as he knew had demonstrated a very liberal attitude. He thought that in a great majority of cases, if not in all, the recommendations of the Clemency and Parole Board had been followed by the High Commissioner and the Commanding General respectively.

Throughout the interview, it was quite evident that Miss Utley was firmly of the opinion that the program of war criminal trials should never have been agreed to by the United States and that it was unrealistic to expect Germans again to take up arms while a number of former soldiers were still incarcerated as war criminals merely for obeying orders, as she put it. In this connection she maintained that the so-called Malmedy prisoners had received very bad treatment before and during their trials which were "travesties of justice".

In connection with Spandau she felt that the United States should take more vigorous action. She had been glad to learn of the release of von Neurath but was sure that in the German mind it was the Russians who had pressed for this release and not the United States. She was sure that in Germany the Communists, in conjunction with the extreme rightist elements, were making very effective propaganda out of the inconsistency of continued incarceration of Germans by the occupation authorities with the granting of sovereign powers and the rearmament of the Germans.

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